

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>JOSEPH SIMMONS</b>	:	
Plaintiffs,	:	<b>CIVIL ACTION</b>
	:	<b>No. 22-cv-1644-JMG</b>
<b>v.</b>	:	
	:	
<b>CITY OF PHILADELPHIA, et al,</b>	:	
Defendant.	:	<b>JURY TRIAL DEMANDED</b>
	:	

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**DEFENDANT JESSIE WILSON'S ANSWER TO PLAINTIFFS' COMPLAINT  
WITH AFFIRMATIVE DEFENSES**

Defendant Jessie Wilson through his undersigned counsel, hereby responds to Plaintiffs' Third Amended Complaint and avers as follows:

**INTRODUCTION:**

1. Denied. The allegations in this paragraph pertain largely to a party other than Answering Defendant. To the extent a response is required, denied.
2. The allegations in this paragraph pertain to a party other than Answering Defendant. To the extent a response is required, denied.
3. The allegations in this paragraph pertain to a party other than Answering Defendant. To the extent a response is required, denied.
4. The allegations in this paragraph pertain to a party other than Answering Defendant. To the extent a response is required, denied.
5. The allegations in this paragraph pertain to a party other than Answering Defendant. To the extent a response is required, denied.
6. Admitted only that the Philadelphia Department of Prisons is a Department of the City of Philadelphia under the City Home Rule Charter.

7. The allegations in this paragraph pertain to a party other than Answering Defendant. To the extent a response is required, denied.
8. The allegations in this paragraph pertain to a party other than Answering Defendant. To the extent a response is required, denied.
9. The allegations in this paragraph pertain to a party other than Answering Defendant. To the extent a response is required, denied.
10. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
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14. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.

**JURISDICTION AND VENUE**

15. This is a statement of jurisdiction to which the Federal Rules of Civil Procedure require no response. To the extent a response is required, denied.
16. This is a statement of jurisdiction to which the Federal Rules of Civil Procedure require no response. To the extent a response is required, denied.

**FACTS**

17. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.
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146. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. Further, the information contained in this paragraph is not known or readily obtainable by Answering Defendant and therefore insufficient to enable Answering Defendant to either admit or deny.

147. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. Further, the information contained in this paragraph is not known or readily obtainable by Answering Defendant and therefore insufficient to enable Answering Defendant to either admit or deny.

148. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. Further, the information contained in this paragraph is not known or readily obtainable by Answering Defendant and therefore insufficient to enable Answering Defendant to either admit or deny.

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151. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response. Further, the information contained in this paragraph is not known or readily obtainable by Answering Defendant and therefore insufficient to enable Answering Defendant to either admit or deny.

152. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.

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**COUNT I: FOURTEENTH AMENDMENT**

157. Answering Defendant incorporates all previous paragraphs as if fully stated herein.

158. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.

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168. Denied. The allegations contained in this paragraph are untrue or constitute conclusions of law and/or Plaintiffs' statement of the case and, therefore, require no response.

**WHEREFORE**, answering Defendant denies that he is liable upon all causes of action declared upon and demand judgment in his favor, plus interest and costs.

**COUNT II: FOURTEENTH AMENDMENT MUNICIPAL LIABILITY**

169-173. The allegations in these paragraphs pertain to a party other than Answering Defendant. To the extent a response is required, denied.

**JURY DEMAND**

Answering Defendant demands a jury trial in this action.

**FIRST AFFIRMATIVE DEFENSE**

Plaintiff has failed to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Answering Defendant is immune from liability under the doctrine of qualified immunity.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiff has suffered no legally cognizable injury, harm, loss, or damage upon which relief can be granted.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred, in whole or in part, to the extent that he has failed to take reasonable measures to mitigate any or all damages.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred, in whole or in part, insofar as Answering Defendant's purported actions or omissions were not the proximate cause of any alleged injury, loss, or damage incurred by Plaintiff.

**SIXTH AFFIRMATIVE DEFENSE**

At all times material to this civil action, Answering Defendant acted in a reasonable, proper, and lawful manner.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff is precluded from bringing this lawsuit due to his failure to exhaust administrative remedies under 42 U.S.C. § 1997e(2001) of the Prison Litigation Reform Act.

**WHEREFORE**, answering Defendant denies that he is liable upon all causes of action declared upon and demand judgment in his favor, plus interest and costs.

Respectfully submitted,

/s Kathryn Faris

Date: May 10, 2023

**Kathryn Faris**  
Deputy City Solicitor  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102-5397